



CITY OF MORGAN HILL

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

CITY COUNCIL AGENDA

REGULAR MEETING

WEDNESDAY, JULY 15, 1998

Morgan Hill Civic Center	Mayor	Dennis Kennedy
--------------------------	-------	----------------

Council Chambers 17555 Peak Avenue Morgan Hill, California 95037	Mayor Pro Tempore Council Member Council Member Council Member	Cynthia J. Cook Hedy L. Chang J. Robert Foster Bev E. Freeman
--	---	--

7:00 P.M.

CALL TO ORDER

(Mayor Kennedy)

ROLL CALL ATTENDANCE

(City Clerk Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk Torrez)

SILENT INVOCATION

PUBLIC SERVICE ANNOUNCEMENT

Eric Hilding

PLEDGE OF ALLEGIANCE

RECOGNITIONS

Cities Association

Bocce Ball Champions

PRESENTATIONS

City Hall Website

Tony Eulo

Anritsu - Green Business

Tony Eulo

CITY COUNCIL REPORT

Mayor Pro Tem Cook

CITY MANAGER'S REPORT

CLOSED SESSION ANNOUNCEMENTS/CITY ATTORNEY'S REPORT

PUBLIC COMMENTS

Mayor Kennedy

The Morgan Hill City Council welcomes comments from all individuals on any agenda item being considered by the City Council. Please complete a Speaker Card and present it to the City Clerk. This will assist the Council Members in hearing your comments at the appropriate time. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council are limited to Three Minutes. We appreciate your cooperation.

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS EVENINGS AGENDA.

CONSENT CALENDAR:

The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

1. **O.E.S. TECHNOLOGY UPGRADES GRANT**

Recommended Action: **Appropriate** \$6,250 for the purchase of a Response Information Management System and upgrades to the City EOC to EOC radio system.

2. **REQUEST TO CANCEL REGULAR CITY COUNCIL MEETING OF AUGUST 19, 1998**

Recommended Action: **Cancel** regular meeting of August 19, 1998.

3. **JUNE FINANCE AND INVESTMENT REPORT**

Recommended Action: **Accept and File** Report.

4. **SURPLUS EQUIPMENT**

Recommended Action: **Declare** property in Exhibit "A" surplus and **authorize** disposal through auction.

5. **APPROPRIATION OF FIRE IMPACT FEES**

Recommended Action: **Authorize** the appropriation of \$160,000 of A.B. 1600 Fire Impact Fees for the Fire District to construct necessary improvements.

6. **AWARD OF CONTRACT TO PROVIDE PLAN CHECKING SERVICES ON AN AS-NEEDED BASIS** (Continued from July 1, 1998)

Recommended Action: 1) **Approve** the attached FY 98-99 contracts with Harris & Associates and Nolte & Associates to provide contract plan checking services on an as-needed basis at a not-to-exceed fee of \$45,000 and \$25,000, respectively and 2) **authorize** the City Manager to execute the contracts. Funds for these services come from development fees.

7. **FY 98/99 CONTRACT FOR PAVEMENT MARKINGS**

Recommended Action: **Approve** the attached FY 98/99 contract for restoration of pavement markings with the County of Santa Clara in an amount not to exceed \$35,000, and then transmit to the Board of Supervisors for ratification.

The City Council Will Take a Recess and Convene as the Redevelopment Agency.

** Staff is requesting that the Mayor take Item # (Set September Public Hearing) at this time.*

LEGALLY NOTICED PUBLIC HEARINGS:

8. **PROPOSED MORGAN HILL RANCH ASSESSMENT DISTRICT NO. 1998-1**

Recommended Action: Request staff presentation.

The Mayor will open the Public Hearing.

Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.

Council discussion.

Action - Motion to adopt resolution making certain findings and taking certain actions in connection with proposed Assessment District No. 1998-1 (Morgan Hill Ranch),

Action - Motion to adopt resolution ordering modifications to the Engineer's Report, approving the Engineer's Report as so modified, confirming the assessment and ordering proposed improvements to be made in connection with Assessment District No. 1998-1 (Morgan Hill Ranch), and

Action - Motion to adopt resolution authorizing the issuance of not to exceed \$13,328,100 aggregate principal amount of City of Morgan Hill, Assessment District No. 1998-1 (Morgan Hill Ranch), limited obligation improvement bonds, series 1998 and the execution and delivery of a fiscal agent agreement, a continuing disclosure agreement, a purchase contract and an official statement and approving a preliminary Official Statement.

9. AMENDMENT TO NOISE ORDINANCE

Recommended Action: Request staff presentation.

The Mayor will open the Public Hearing.

Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.

Council discussion.

Action- Motion to waive the reading in full of the ordinance;
Motion to introduce ordinance by title only.

10. DEVELOPMENT AGREEMENT: DA-98-05: EAST EDMUNDSON-GUTHRIE

Recommended Action: Request staff presentation.

The Mayor will open the Public Hearing.

Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.

Council discussion.

Action- Motion to waive the reading in full of the ordinance approving the development agreement;
Motion to introduce ordinance by title only.

OTHER BUSINESS:

11. A RESOLUTION AUTHORIZING AND CONSENTING TO A JOINT PUBLIC HEARING OF THE AGENCY AND THE CITY OF MORGAN HILL IN CONNECTION WITH A PROPOSED AMENDMENT TO THE COMMUNITY DEVELOPMENT PLAN FOR THE OJO DE AGUA COMMUNITY DEVELOPMENT PROJECT; FINDING AND DETERMINING THAT A PROJECT AREA COMMITTEE NEED NOT BE FORMED IN RELATION TO THE PROPOSED AMENDMENT; AND DIRECTING STAFF TO CONSULT WITH, AND OBTAIN THE ADVICE OF, RESIDENTS AND COMMUNITY ORGANIZATIONS

Recommended Action: Adopt attached resolution.

12. LETTER OF SUPPORT FOR COUNTYWIDE AFFORDABLE HOUSING INITIATIVE TO BE CONSIDERED BY THE SANTA CLARA COUNTY BOARD OF SUPERVISORS FOR PLACEMENT AS A BALLOT MEASURE FOR THE NOVEMBER 1998 ELECTION

Recommended Action: Authorize the Mayor to sign and send the attached letter of support for the Affordable Housing Ballot measure.

13. APPROVAL OF DISTRIBUTION OF HOUSING TYPE AND TERM FOR THE NEXT RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (MEASURE P) COMPETITION

Recommended Action: Adopt Resolution of approval.

14. APPROVE REQUEST BY THE MORGAN HILL CHAMBER OF COMMERCE TO AMEND THEIR SPECIAL EVENTS PERMIT TO ALLOW THE FARMER'S MARKET TO REMAIN AT ITS PRESENT LOCATION ON EAST THIRD STREET

Recommended Action: Direct staff to amend the Chamber's special event permit for the Farmer's Market to remain at its present location for the remainder of the season.

15. AN ORDINANCE AMENDING CHAPTERS 2.32, 2.36, 2.48, 2.64, AND 2.68 OF THE MUNICIPAL CODE,

REGARDING TERMS OF PARKS & RECREATION, PLANNING, PERSONNEL, MOBILE HOME RENT AND LIBRARY COMMISSIONERS

Recommended Action: **Waive** the reading in full of the ordinance; and **Introduce** on first reading the ordinance revising terms for City commissions.

ROLL CALL VOTE:

The Roll Call Vote, Agenda Items # through # may be acted upon with one motion, a second and the roll call vote. The titles having previously been read, no second reading is required. (Government Code Section 36934)

Action -- **Adopt** Ordinance by roll call vote.

16. **SECOND READING AND ADOPTION OF ORDINANCE NO. 1403, NEW SERIES** -- An Ordinance of the City Council of the City of Morgan Hill adding Chapter 8.70 of the Municipal Code regarding graffiti.
17. **SECOND READING AND ADOPTION OF ORDINANCE NO. 1404, NEW SERIES** -- An Ordinance of the City Council of the City of Morgan Hill amending the standards and criteria and procedures of the Residential Development Control System as set forth in Chapter 18.78 of the Morgan Hill Municipal Code.

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

This Is an Opportunity for Members of the City Council to Request Items for Future Agendas.

Note: in Accordance with Government Code Section 54954.2(a), There Shall Be No Discussion, Debate And/or Action Taken on Any Request Other than Providing Direction to Staff to Place the Matter of Business on a Future Agenda.

OPPORTUNITY FOR PUBLIC COMMENT

CLOSED SESSION:

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

(Subdivision (a) of Section 54956.9)

LeClair v. City of Morgan Hill, WCAB Case Numbers 0073560 and 00773468

Attendees: Council members, City Manager Jinkens, Assistant to the City Manager Kazezski, Acting City Attorney Leichter, Special Counsel Robert Lofgren, Police Chief Steve Schwab

CLOSED SESSIONS ANNOUNCEMENT:

ADJOURNMENT:

FUTURE COUNCIL AGENDA ITEMS:

1. Law Enforcement Grant
2. Adoption of Council Goals
3. Budget Adoption
4. Review YMCA Contract
5. Weed Abatement Public Hearing
6. Upcoming Closed Sessions on 7/22/98 meeting:
 - a. City Manager Performance Evaluation
 - b. Review Applications for City Attorney

OPEN PUBLIC COMMENT PERIOD (3 MINUTES)

Following the opening of Council business, the public may present comments on items **NOT** appearing on the agenda that are within the Council's jurisdiction. Should your comments require Council action, your request will be placed on the next appropriate agenda. No Council discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

SPEAKER CARDS

In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council. However, it is very helpful to the Council if you would fill out the speaker card that is available on the counter in the Council Chambers. Please fill out a card and return it to the City Clerk. As your name is called by the Mayor, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. Please limit your remarks to 3 minutes.

NOTICE

AMERICANS WITH DISABILITY ACT (ADA)

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.

If assistance is needed regarding any item appearing on the City Council agenda, please contact the Office of the City Clerk at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

NOTICE

Notice is given, pursuant to Government Code Section 65009, that any challenge of Agenda Items # through # in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action by the City Council which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.